

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO. 5:21-CR-00271-FL

UNITED STATES OF AMERICA)	
)	ORDER ON
)	DEFENDANT'S UNOPPOSED
v.)	MOTION FOR TEMPORARY
)	RELEASE ON CONDITIONS
)	
RAFAEL SMALLS)	

This matter comes before the Court on the motion of Defendant Rafael Smalls, pursuant to 18 U.S.C. § 3145(b), to temporarily amend the detention order entered on 23 June 2021 (DE 19) to permit Mr. Smalls to visit his minor daughter while she is undergoing treatment for a life-threatening illness. The United States does not oppose the motion. The Court finds, by clear and convincing evidence, that Mr. Smalls is not likely to flee or pose a danger to any other person or the community if he is released temporarily as set forth below. The Court further finds that Mr. Smalls has shown an exceptional reason warranting temporary release from detention. Therefore, the Court orders as follows:

1. That Mr. Smalls be released from Onslow County Jail (or such other facility as he is then assigned to by the United States Marshals) at 8:00 a.m. on 27 December 2021 to the custody of Viengsa Misenheimer;

2. That Mr. Smalls return to Onslow County Jail (or such other facility

as he is then assigned to by the United States Marshals) at 8:00 p.m. on 3 January 2022;

3. That while on release, Mr. Smalls remain at all times in the custody of Viengsa Misenheimer, who will supervise Mr. Smalls during his temporary release, and who shall report any violation of these conditions;

4. That while on release (a) Mr. Smalls shall travel to the Chicago area and back by car in the custody of Ms. Misenheimer; (b) Mr. Smalls shall be permitted to visit his daughter while in the Chicago area, and engage in activities incident to visiting his daughter, such as traveling from his nearby place of lodging to her home, or accompanying his daughter to playtime, appointments, and similar events, all under the supervision of Ms. Misenheimer; (c) Mr. Smalls shall return to lodging shared with Ms. Misenheimer overnight; (d) Mr. Smalls shall remain under Ms. Misenheimer's supervision; and (e) Mr. Smalls shall not visit any other location or engage in any other activities not approved by the Court;

5. That while on release, Mr. Smalls shall have no contact, directly or indirectly, with any person who may be a victim or witness in this matter; shall not possess a firearm, destructive device, or other weapon; and shall not use or possess a controlled substance; and

SO ORDERED, this the 17th day of December, 2021.



LOUISE W. FLANAGAN
United States District Judge